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No. 87-775

Supreme Court, U.S.
FILED

DEC 10 1987

JOSEPH E. BRYNOL, JR.
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1987

UNITED FAMILIES OF AMERICA, APPELLANT

v.

CHAN KENDRICK, ET AL.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MEMORANDUM FOR THE UNITED STATES

CHARLES FRIED
Solicitor General
Department of Justice
Washington, D.C. 20530
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v.

CHAN KENDRICK, ET AL.

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FOR THE DISTRICT OF COLUMBIA

MEMORANDUM FOR THE UNITED STATES

Appellant challenges the district court's judgment declaring unconstitutional the references to "religious organizations" in the Adolescent Family Life Act, 42 U.S.C. (& Supp. III) 300z *et seq.*, and enjoining the Secretary from enforcing the statute "as it pertains to 'religious organizations'" (87-431 J.S. App. 47a-49a). The Court has previously noted probable jurisdiction in the Secretary's challenge to the same judgment (Nos. 87-253 and 87-431), as well as in a cross-appeal (No. 87-462) that challenges the further judgment of the district court holding that the references to "religious organizations" may be severed from the constitutional remainder of the Act.

We believe that the present appeal raises substantial questions that should be considered in connection with the appeal and cross-appeal currently before the Court. We therefore agree that probable jurisdiction should be noted in No. 87-775 and that the case should be consolidated with Nos. 87-253, 87-431 and 87-462. We have been informed

EDITOR'S NOTE

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by counsel for appellant in No. 87-775 that he is prepared to abide by the briefing schedule that has been approved by the Clerk in the other cases.*

It is therefore respectfully submitted that probable jurisdiction should be noted in No. 87-775 and the case consolidated with the appeal and cross-appeal in Nos. 87-253, 87-431 and 87-462.

CHARLES FRIED
Solicitor General

DECEMBER 1987

* By letter of November 20, 1987, with the consent of the Kendrick parties, the Solicitor General proposed that the Secretary's opening brief be filed on January 7, 1988; the Kendrick parties' response and opening brief be filed on February 13, 1988; the Secretary's reply and responsive brief be filed on February 23, 1988; and the Kendrick parties' final reply be filed on March 4, 1988. This schedule was subsequently approved by a November 24, 1987 letter of the Clerk. Appellant in No. 87-775 would adhere to the filing dates assigned to the Secretary.